



CITY *of* CALABASAS

July 22, 2005

Executive Officer of the Board of Supervisors  
Room 383  
Kenneth Hahn Hall of Administration  
500 W. Temple Street  
Los Angeles, CA 90012

Enclosed is a certified copy of Resolution Nos. 2005-952 and 2005-954 and two (2) certified copies of Resolution No. 2005-956, which were adopted by the City Council of the City of Calabasas on July 20, 2005.

Resolution No. 2005-952 calls and gives notice of the holding of a Special Municipal Election to be held on Tuesday, November 8, 2005 for the submission to the voters an advisory question relating to the Malibu Valley Inn Project; Resolution No. 2005-954 calls and gives notice of the holding of a Special Municipal Election to be held on Tuesday, November 8, 2005 for the submission to the voters a question relating to the Open Space Preservation; and Resolution No. 2005-956 requests the Board of Supervisors of the County of Los Angeles to consolidate said election with the Statewide election.

If you have any questions, please contact me. Thank you for your assistance.

Sincerely,

Gwen Peirce  
Assistant City Clerk

enc.

**RESOLUTION NO. 2005-952**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2005, FOR THE SUBMISSION TO THE VOTERS AN ADVISORY QUESTION RELATING TO THE MALIBU VALLEY INN PROJECT.**

**WHEREAS**, the City Council of the City of Calabasas, California desires to submit to the voters at a Special Municipal Election an advisory question relating to the Malibu Valley Inn Project; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

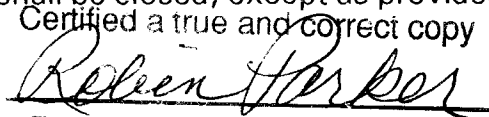
**SECTION 1.** That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Calabasas, California, on Tuesday, November 8, 2005, a Special Municipal Election for the purpose of submitting the following question:

<b>ADVISORY MEASURE ONLY</b> Should Calabasas annex 152 acres on Mulholland Highway east of Las Virgenes Road for the Malibu Valley Inn & Spa – a 203-room resort, 5 estate homes, facilities for swimming, equestrian use, tennis, fitness spa, restaurant, winery, shops, conference rooms, and underground parking as described in the project’s draft environmental impact report – in lieu of up to 81 estate homes on 443 acres if not annexed?	<b>YES</b>	
	<b>NO</b>	

**SECTION 2.** That the ballots to be used at the election shall be in form and content as required by law.

**SECTION 3.** That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 4.** That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided

Certified a true and correct copy  
  
Robin Parker, CMC, City Clerk

in Section 14401 of the Elections Code of the State of California.

**SECTION 5.** That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 6.** That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**SECTION 7.** That the City Clerk shall certify the adoption of this resolution and shall cause the same to be processed in the manner required by law.


**PASSED, APPROVED AND ADOPTED** this 20<sup>TH</sup> day of July 2005.

ATTEST:

  
Robin Parker, City Clerk

  
Barry Groveman, Mayor

APPROVED AS TO FORM:

 7/20/05  
Michael G. Colantuono, City Attorney

STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES) SS  
CITY OF CALABASAS     )

I, **ROBIN PARKER**, City Clerk of the City of Calabasas, California, **DO HEREBY CERTIFY**  
that the foregoing resolution, being **Resolution No. 2005-952** was duly adopted by the City  
Council of the City of Calabasas, at a regular meeting of the City Council held July 20, 2005  
and that it was adopted by the following vote, to wit:

AYES:       Mayor Groveman, Councilmembers, Maurer, Wolfson.

NOES:       Mayor pro Tem Washburn, Councilmember Bozajian.

ABSTAIN:   None.

ABSENT:    None.

A handwritten signature in cursive script that reads "Robin Parker". The signature is written in black ink and is positioned above a horizontal line.

Robin Parker, City Clerk  
City of Calabasas, California

**RESOLUTION NO. 2005-954**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2005, FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO OPEN SPACE PRESERVATION**

**WHEREAS**, the City Council of the City of Calabasas, California desires to submit to the voters at a Special Municipal Election a question relating to the preservation of open space in the City; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Calabasas, California, on Tuesday, November 8, 2005, a Special Municipal Election for the purpose of submitting the following question:

Shall Ordinance No. 2005-225 be adopted to protect and preserve the existing areas of Open Space in Calabasas by requiring two-thirds voter approval before any land in the City designated as Open Space may be redesignated for another use?	YES	
	NO	

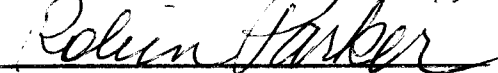
**SECTION 2.** That the complete text of the proposed ordinance submitted to the voters is attached as Exhibit A to this resolution.

**SECTION 3.** That the ballots to be used at the election shall be in form and content as required by law.

**SECTION 4.** That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 5.** That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

Certified a true and correct copy



Robin Parker, CMC, City Clerk

**SECTION 6.** That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

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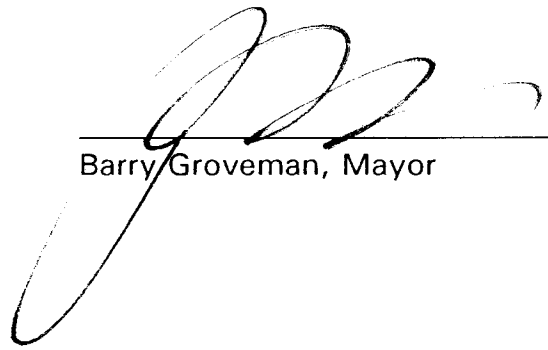
**SECTION 7.** That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**SECTION 9.** That the City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

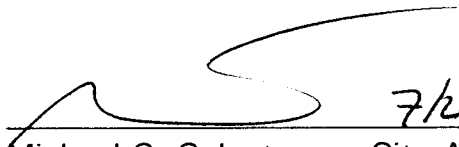
**PASSED, APPROVED AND ADOPTED** this 20<sup>th</sup> day of July, 2005.

ATTEST:

  
\_\_\_\_\_  
Robin Parker, City Clerk

  
\_\_\_\_\_  
Barry Groveman, Mayor

APPROVED AS TO FORM:

 7/24/05  
\_\_\_\_\_  
Michael G. Colantuono, City Attorney

STATE OF CALIFORNIA     )  
~~COUNTY OF LOS ANGELES) SS~~  
CITY OF CALABASAS     )

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I, **ROBIN PARKER**, City Clerk of the City of Calabasas, California, **DO HEREBY CERTIFY**  
that the foregoing resolution, being **Resolution No. 2005-954** was duly adopted by the City  
Council of the City of Calabasas, at a regular meeting of the City Council held July 20, 2005  
and that it was adopted by the following vote, to wit:

AYES:       Mayor Groveman, Mayor pro Tem Washburn, Councilmembers Bozajian, Maurer,  
              Wolfson.

NOES:       None.

ABSTAIN:   None.

ABSENT:     None.



Robin Parker, City Clerk  
City of Calabasas, California

**ORDINANCE NO. 2005-225**

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**AN ORDINANCE OF THE CITY OF CALABASAS TO  
PROTECT OPEN SPACE IN THE CITY BY REQUIRING  
VOTER APPROVAL OF ANY REDESIGNATION OF LANDS  
DESIGNATED AS OPEN SPACE IN THE CALABASAS  
GENERAL PLAN, AMENDING THE CALABASAS MUNICIPAL  
CODE, AND RE-ADOPTING THOSE PROVISIONS OF THE  
CALABASAS GENERAL PLAN DESIGNATING PROPERTY IN  
THE CITY AS OPEN SPACE**

**THE PEOPLE OF THE CITY OF CALABASAS DO ORDAIN AS FOLLOWS:**

**SECTION 1. PURPOSE AND FINDINGS**

The purpose of this ordinance is to protect, preserve and enhance the existing open space in the City of Calabasas. The People of the City of Calabasas hereby find that the remaining areas of open space in the City are a precious resource in an increasingly urban society. The prevalence of open space in Calabasas contributes greatly to the quality of life of the community. Accordingly, the objectives of this ordinance are:

(a) To preserve open space in the City, and to allow only such low-intensity uses of such land as are consistent with the General Plan, applicable Specific Plans and the City's zoning ordinance.

(b) To encourage the preservation of natural resources, agriculture, and private and public outdoor recreational uses permitted in open space areas by State and local law;

(c) To maintain the character of the City;

(d) To reserve to the voters of the City the ultimate determination whether open space land should be converted to other uses.

The People of Calabasas hereby find that the preservation of existing open space in the City and open space acquired or designated in the future is necessary to protect the quality of life in the City. As undeveloped land becomes scarcer, urban encroachment into remaining open space areas constitutes a threat to the public health, safety and welfare. This Ordinance serves the goals, policies and objectives of the General Plan relating to the preservation of open space by requiring voter approval before any land designated for open space use is redesignated for another use. The adoption of this measure is intended to be consistent with *DeVita v. County of Napa* (1995) 9 Cal.4<sup>th</sup> 763.



## **SECTION 2. READOPTION OF GENERAL PLAN DESIGNATIONS**

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The Land Use Map of the Calabasas General Plan adopted on September 6, 1995 by Resolution Number 95-346 and as amended through July 20, 2005 is hereby readopted.

## **SECTION 3. AMENDMENT, VOTER APPROVAL**

The Calabasas Municipal Code is hereby amended to add a new Section 17.16.040 to read as follows:

"17.16.040 Voter Approval Required for Redesignation of Open Space for Non-Open-Space Use.

A. 1. No amendment to the General Plan or any Specific Plan that would redesignate for non-open space use of any property in the City designated OS-R or OS-RP by the Land Use Map of the Calabasas General Plan adopted on September 6, 1995 by Resolution Number 95-346 and as amended through July 20, 2005 shall be effective for any purpose until that amendment has been approved by two-thirds of the voters of the city casting votes on the question. To propose such an amendment, the city shall follow the procedures required by law, including the California Environmental Quality Act, Public Resources Code Sections 21000 et seq., for the adoption of the measure and then place the amendment on the ballot. Such an amendment may take effect only upon two-thirds approval of those casting votes on the question.

2. No amendment to the General Plan or any Specific Plan that would redesignate for non-open space use any property in the City designated PF-R by the Land Use Map of the Calabasas General Plan adopted on September 6, 1995 by Resolution Number 95-346 and as amended through July 20, 2005 shall be effective for any purpose without compliance with the applicable requirements of California law which protect park lands, including, but not limited to, Government Code Sections 25550.7, 37111, 37111.1, 38440 - 38462, 38501 - 38510 and Public Resources Code Sections 5400 et seq. If the applicable requirements of California law which protect park lands should be amended after November 8, 2005 to reduce or eliminate requirements for a supermajority Council vote or for a vote of the electorate of the City, then such supermajority Council vote or vote of the electorate shall continue to be required for the redesignation for non-open space use of property in the City designated PF-R by virtue of the Ordinance which adopted this subsection A.

B. Paragraph A. of this section shall not apply to:

1. Amendments determined by the City Council, on the advice of the City Attorney, to be necessary to avoid an unconstitutional taking of private property or otherwise required by law;

2. Reorganization, renumbering or updating elements of the General Plan in accordance with State law, provided that such actions do not reduce the property designated OS-R, OS-RP, and PF-R; or

3. Amendments which facilitate any of the following land uses: uses permitted in the PF land use district; uses in support of open space uses such as bus shelters, parking facilities, and comfort stations; and public utility facilities such as antennae and pipelines.

C. Any land designated OS-R, OS-RP or PF-R after July 20, 2005 shall become subject to the requirements of this section upon such designation.

D. This section shall be of no further force and effect on and after November 8, 2030 unless it is sooner readopted, repealed or amended by the voters of the city.

#### **SECTION 4. AMENDMENT OR REPEAL**

(a) Except as authorized in Section 17.16.040(A)(2) of the Calabasas Municipal Code as set forth above or otherwise by this Ordinance, the provisions of this Ordinance and those portions of the Land Use Map of the Calabasas General Plan adopted on September 6, 1995 by Resolution Number 95-346 and as amended through July 20, 2005 which designate land in the OS-R, OS-RP and PF-R districts may be amended or repealed only by the voters of the City of Calabasas

(b) This measure shall not require voter approval of amendments with respect to any application for a land use entitlement deemed complete by the city prior to June 20, 2005 and pending on that date.

#### **SECTION 5. SEVERABILITY**

If any provision, section, paragraph, sentence or word of this Ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

**SECTION 6. EFFECTIVE DATE.** Pursuant to California Elections Code section 9217, this Ordinance shall take effect ten days after City Council certification of the results of the election at which it is adopted.

**SECTION 7. CERTIFICATION.** The Mayor is hereby authorized to subscribe this Ordinance where indicated below to evidence its adoption by the voters of the City and upon that subscription, the City Clerk shall certify to the passage and adoption of this ordinance and shall cause it to be posted according to law.

**PASSED, APPROVED AND ADOPTED,** this      day of November 2005.

\_\_\_\_\_  
Barry Groveman, Mayor

ATTEST:

\_\_\_\_\_  
Robin Parker, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael G. Colantuono, City Attorney

**RESOLUTION NO. 2005-956**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2005, WITH THE STATEWIDE ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.**

**WHEREAS**, the City Council of the City of Calabasas called a Special Municipal Election to be held on November 8, 2005; and

**WHEREAS**, the City Council is submitting to the voters an advisory question relating to a potential annexation to the City; and

**WHEREAS**, the City Council is submitting to the voters a binding measure to protect open space in the City; and

**WHEREAS**, it is desirable that the Special Municipal Election be consolidated with the State Election to be held on the same date and that within the City precincts, polling places and election officers of the two elections be the same, and that the county election department of the County of Los Angeles canvass the returns of the Special Municipal Election and that the election be held in all respects as there were only one election.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the State Election on Tuesday, November 8, 2005.

**SECTION 2.** That the measures to appear on the ballot are as follows:

Certified a true and correct copy

A handwritten signature in cursive script, appearing to read "Robin Parker", written over a horizontal line.

Robin Parker, CMC, City Clerk

<b>ADVISORY MEASURE ONLY</b>  Should Calabasas annex 152 acres on Mulholland Highway east of Las Virgenes Road for the Malibu Valley Inn & Spa – a 203-room resort, 5 estate homes, facilities for swimming, equestrian use, tennis, fitness spa, restaurant, winery, shops, conference rooms, and underground parking as described in the project's draft environmental impact report – in lieu of up to 81 estate homes on 443 acres if not annexed?	YES
	NO

Shall Ordinance No. 2005-225 be adopted to protect and preserve the existing areas of Open Space in Calabasas by requiring two-thirds voter approval before any land in the City designated as Open Space may be redesignated for another use?	YES
	NO

**SECTION 3.** That the county election department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

**SECTION 4.** That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

**SECTION 5.** That the City of Calabasas recognized that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

**SECTION 6.** That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Los Angeles.

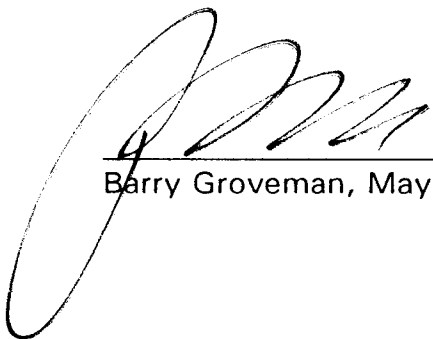
**SECTION 7.** That the City Clerk shall certify the adoption of this resolution and shall cause the same to be processed in the manner required by law.

**PASSED, APPROVED AND ADOPTED** this 20<sup>th</sup> day of July, 2005.

ATTEST:



Robin Parker, City Clerk

  
\_\_\_\_\_  
Barry Groveman, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
7/20/05  
Michael G. Colantuono, City Attorney

STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES) SS  
CITY OF CALABASAS     )

I, **ROBIN PARKER**, City Clerk of the City of Calabasas, California, **DO HEREBY CERTIFY**  
that the foregoing resolution, being **Resolution No. 2005-956** was duly adopted by the City  
Council of the City of Calabasas, at a regular meeting of the City Council held July 20, 2005  
and that it was adopted by the following vote, to wit:

AYES:       Mayor Groveman, Mayor pro Tem Washburn, Councilmembers Bozajian, Maurer,  
              Wolfson.

NOES:       None.

ABSTAIN:   None.

ABSENT:     None.

A handwritten signature in cursive script that reads "Robin Parker". The signature is written in black ink and is positioned above a horizontal line.

Robin Parker, City Clerk  
City of Calabasas, California

**RESOLUTION NO. 2005-956**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2005, WITH THE STATEWIDE ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.**

**WHEREAS**, the City Council of the City of Calabasas called a Special Municipal Election to be held on November 8, 2005; and

**WHEREAS**, the City Council is submitting to the voters an advisory question relating to a potential annexation to the City; and

**WHEREAS**, the City Council is submitting to the voters a binding measure to protect open space in the City; and

**WHEREAS**, it is desirable that the Special Municipal Election be consolidated with the State Election to be held on the same date and that within the City precincts, polling places and election officers of the two elections be the same, and that the county election department of the County of Los Angeles canvass the returns of the Special Municipal Election and that the election be held in all respects as there were only one election.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the State Election on Tuesday, November 8, 2005.

**SECTION 2.** That the measures to appear on the ballot are as follows:

Certified a true and correct copy



Robin Parker, CMC, City Clerk



<b>ADVISORY MEASURE ONLY</b>  Should Calabasas annex 152 acres on Mulholland Highway east of Las Virgenes Road for the Malibu Valley Inn & Spa – a 203-room resort, 5 estate homes, facilities for swimming, equestrian use, tennis, fitness spa, restaurant, winery, shops, conference rooms, and underground parking as described in the project's draft environmental impact report – in lieu of up to 81 estate homes on 443 acres if not annexed?	YES
	NO

Shall Ordinance No. 2005-225 be adopted to protect and preserve the existing areas of Open Space in Calabasas by requiring two-thirds voter approval before any land in the City designated as Open Space may be redesignated for another use?	YES
	NO

**SECTION 3.** That the county election department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

**SECTION 4.** That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

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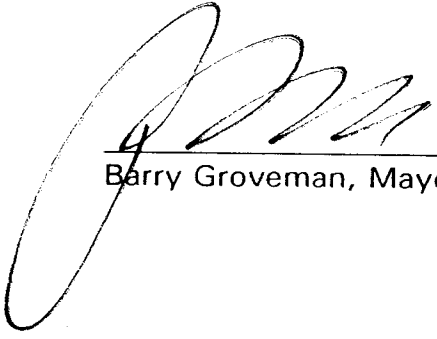
**SECTION 6.** That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Los Angeles.

**SECTION 7.** That the City Clerk shall certify the adoption of this resolution and shall cause the same to be processed in the manner required by law.


**PASSED, APPROVED AND ADOPTED** this 20<sup>th</sup> day of July, 2005.

ATTEST:

  
Robin Parker, City Clerk

  
Barry Groveman, Mayor

APPROVED AS TO FORM:

 7/20/05  
Michael G. Colantuono, City Attorney

STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES) SS  
CITY OF CALABASAS     )

I, **ROBIN PARKER**, City Clerk of the City of Calabasas, California, **DO HEREBY CERTIFY**  
that the foregoing resolution, being **Resolution No. 2005-956** was duly adopted by the City  
Council of the City of Calabasas, at a regular meeting of the City Council held July 20, 2005  
and that it was adopted by the following vote, to wit:

AYES:       Mayor Groveman, Mayor pro Tem Washburn, Councilmembers Bozajian, Maurer,  
              Wolfson.

NOES:       None.

ABSTAIN:   None.

ABSENT:     None.

  
\_\_\_\_\_  
Robin Parker, City Clerk  
City of Calabasas, California